

Message Text

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PAGE 01 JAKART 10177 040410Z

22

ACTION VO-03

INFO OCT-01 EA-09 ISO-00 SCA-01 /014 W

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R 040345Z AUG 76

FM AMEMBASSY JAKARTA

TO SECSTATE WASHDC 5933

INFO AMCONSUL MEDAN

AMCONSUL SURABAYA

UNCLAS JAKARTA 10177

E.O. 11652: N/A

TAGS: CVIS, ID

SUBJ: ILLEGITIMATE CHILDREN OF FATHERS UNDER SECTION

101(B)(1)(B) - 22 CFR.42.1

REF: STATE 188437

1. EMBASSY HAS HAD ONE SUCH CASE, INVOLVING TWINS, DURING PAST YEAR. CHILDREN HAD BEEN BORN IN VIETNAM AND FATHER, THROUGH VIETNAMESE COURT, RECOGNIZED CHILDREN AS HIS OWN AND SUCCEEDED IN HAVING HIS NAME ENTERED ON THEIR BIRTH CERTIFICATES.

2. EMBASSY ACCEPTED ABOVE AS EVIDENCE OF RELATIONSHIP SUPPORTED BY FACT THAT THE CHILDREN LEFT VIETNAM WITH THE AMCIT NATURAL FATHER AND ARE LIVING WITH HIM HERE IN INDONESIA. APPLICATION FOR U.S. PASSPORT TURNED DOWN BY PASSPORT OFFICE DUE TO NOT HAVING BEEN LEGITIMATED, CHILDREN WILL THEREFORE BE DOCUMENTED AS 212(A)(14) N/A NONPREFERENCE CASES.

3. NO FRAUD ENCOUNTERED IN THIS CASE.

4. THERE IS NO LOCAL LAW WHICH ALLOWS ILLEGITIMATE CHILDREN TO BE RECOGNIZED BY NATURAL FATHER SHORT OF LEGITIMATION THROUGH ACKNOWLEDGEMENT OF CHILD AFTER FATHER'S MARRIAGE TO NATURAL MOTHER.

5. BLOOD COMPATIBILITY TESTS WOULD BE IDEAL BUT PROBABLE
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BLY IMPRACTICAL IN MANY CASES SINCE IT WOULD OFTEN BE

DIFFICULT TO OBTAIN SAMPLE FROM NATURAL MOTHER. IN
ADDITION TO THE AFFIDAVIT OF PATERNITY WHICH, ALTHOUGH
UNDER OATH, MUST OFTEN BE TAKEN AS A SELF-SERVING STATE-
MENT, SOME PHYSICAL PRESENCE REQUIREMENT IN THE HOUSE-
HOLD OF THE AMCIT FATHER SHOULD BE MET. PERHAPS THE
GUIDELINES SET FORTH IN NATION V. ESPERDY COULD BE USED
AS A BASIS FOR SUCH A TEST. EMBASSY REALIZES NATION V.
ESPERDY DOES NOT DIRECTLY INVOLVE THE QUESTION OF DETER-
MINING THE PATERNITY OF A CHILD BUT CERTAINLY DETERMINING
THE PATERNITY OF THE ALIEN PARENT IN THAT CASE WAS
MATERIAL TO THE FINAL DECISION OF WHETHER TO GRANT THE
ALIEN FATHER'S ILLEGITIMATE CHILD STATUS AS THE STEPCHILD
OF HIS WIFE.
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